PILE

G.R.S. IX—5]

Previous references.
R.A. 40—25-1.
L.B. 23—25-8.

Later references.
L.B. 23—25-10.

1926-7.
(R.A.)

File No. 11—26
Serial Nos. 1—2

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B for October 1926.

SUBJECT

Complaint against Mr. S.N.M. Sivalingappiah, R.A. member, Kadur Taluk.

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2) From the Secretary Local Legislative Depts.
G.O. No L. 2379 / L.B. 23—25-10 dt 30.9.26.

Forwards copy of G.O. cancelling the order dt 8.9.26. removing Mr. S.N.M. Sivalingappiah from membership of the Kadur Dist Board and the Kadur Taluk Board

Received
4/10/1926.

(1

G. R. S. 11] 1926-7

GENERAL AND REVENUE SECRETARIAT.

(RA)

NOTES.

File No. 11-26

FILE HEADING.

Complaint against Mr. S. N. M. Sivaliyapperiah
Rep: Assembly Member, Kadur
Taluk

From The Deputy Commissioner, Kadur Dt

No. C. 1886 / 26-27 Dated 13. 9. 26 Received 14. 9. 26

Diary No. 43 P.S.P	Enclos. 1. Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

In his reference to his letter No. Dte 305/25-26 dt 10th June 1926 reporting the conviction of Mr. S. N. M. Sivaliyapperiah, A.R. Member, in the Court of Spl First Class Magistrate, Chitradurga under Section 118 of Cr. P.C. & states that Govt have in their order

NOTES AND ORDERS.

No. L 1843/RB 23-25-8-27 Govt instant directed that this individual be removed from membership both in the Kadur Dt Bd & the Kadur Taluk Board on a careful consideration of the opinion expressed by his predecessor requesting that Orders may be obtained as to whether he may be retained as a Member of the A.R.

NOTES—First Sheet.

Flag H

Serial No.

* H

* Submitted for orders with previous reference

2 On the previous report of the Dy. Com^r the finding of the L^d Secretary was that the R.A. Member was 'not convicted of any offence'. But the present ref^e from the Dy. Com^r mentions that the previous letter reported 'the conviction of the R.A. Member'.

3 For orders,

15-9-26.

4 The opinion of the L.L. Secy., (Flag H) is specific. ~~That~~ He has agreed with the Secy. R.A. that "binding the person over to keep the peace" is not disqualification.

5 No action is called for on the present reference.

16/9

Secy)

6 The rules do not provide for a member of the R.A. being disqualified or removed from membership for this reason. Shri. Sivalingappa will have to continue as member.

Dewan Chief 19/9/26

L^t d Secy. 19/9

7 It is enough to keep a record of the accounts. & then no

NOTE—Contn. Sheet

* The file relating to the G.C. in question is to be obtained & is kept.

Immediate — 15/9.

The last letter to the notice of the Govt is to be seen & has been obtained & kept

(Flag C)

16/9 15-9-26.

DEWAN'S OFFICE.
Received on
23 SEP. 1926
Reg. No 2222

Secretary to Govt
Law Dept
Please return the
enclosure

To RA 16/9/26

Serial No.

way out of the impasse? It is hard for the majority of a constitutional Law-making (financial questions) body like the R. A. to have as a members effective a potential Law-breaker. What is the practice in B. India?

Is it not possible for the D.C. to assign some one to assign himself...?

Submitted in person to the Dewan & obtd instructions. 24.9.26

Please put up a draft confdl letter to the D.C. suggesting that he may use his influence to get the gentleman to resign his place on the R.A. Volunteers.

RR 26/9

To submit with a draft letter.

It is whether the letter should be demi-official or not is for consn.

It may be D.O. 28.9.26

Draft may be approved 28/9.

Issue D.O. letter 29/9

It is with reference to the Dewan's orders that the D.C. may be requested to induce this gentleman to resign his membership on the R.A., Mr. Sivakamipathy submit a petition that the orders binding him over to keep the peace was cancelled by the Chief Court on appeal and he also

P.S. Please see the marginal note

Issued & obtd instructions 25.9.26

L.B 23-25.

NOTE—Contn. Sheet

Serial No.

produced a telegram from his lawyer to the Govt.

1/ In view of the decision of the Ch. Court, no further action is needed in the matter

DWarn 29/9

2/ I am not aware how the appeal has been solved in such an amicable manner.

29.9.26

3. File the paper. I presume the R-A. notice has gone

30/9

4. Submitted. The R.A. notice has not been sent to him.

30/9 5. For info:

30/9 30/9

6. Read the Local Self Government Section No. 2379/LB 23-25-10 d/30.9.26 Cancels the Government order No. 1643 LB 23-25-0 d/8.9.26 directing that Mr. R. Gr. Srinivasappaiah be removed from membership in the Kadur Dt. Board & Kadur Taluk Board, as the order convicting him under Sec 107

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

File No 11 of 1926

Serial No.

of the Criminal Procedure Code was bound over for a sum of Rs 200/- with 2 sureties for a like sum for keeping the peace for a period of six months which has been cancelled in revision by the Chief Court.

21 Submitted for information.

This Gp will also be placed in the file.

2/10

2/10

2/10

2.10.26

NOTE.—Contn. Sheet

No. 21
R. A.
L. C.
E. C.

(6

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Manual of business and procedure (Legis. Assembly. India), The Madras Legislative Council Manual and the Travancore Legislative Council Manual have been looked into for a provision for the removal of a member on account of his being bound over for good behaviour etc by a Criminal Court and in vain. The disqualifications for a voter and a member are almost identical with those in Mysore.

Page 79 Vol I

If approved a reference will be made for information to the Secretary, Sri Mulam Popular Assembly in Travancore and the Assembly in Baroda which seem to be the only two states possessing a Leg. Assembly for information.

Submd for orders.

27/9.

27.9.26

Seq.

27.9.26

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

WD 256—GPB—750—21-12-25.

No. C. 1886 / 26.7 Sec 1.

OFFICE OF THE DEPUTY COMMISSIONER,
KADUR DISTRICT.

Dated Chikmagalur, 13th Sept 1926.

D.No. 43 Rel
R.A. 11—26.1.

OFFICE OF THE SECRETARY
14 SEP 1926
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
SECRETARIAT, BANGALORE

FROM

D. Srinivasa Iyengar, Esq, B.A.,
Deputy Commissioner,
Kadur District.

To

R. Ranga Rao, Esq, B.A., B.L.
Secretary to Government,
Representative Assembly & Legis: Council,
BANGALORE.

Sir,

Mr. N. M. Sivalingappiah, Representative Assembly Member, Kadur Taluk.

I have the honor to invite reference to this office letter No. H.C. 505/25-26 dated the 10th June 1926, reporting the conviction of N. M. Sivalingappiah, Representative Assembly Member, in the Court of the Special First Class Magistrate, Chickmagalur, under Section 118 Criminal Procedure Code, and to state that Government have in their Order No. L. 1843/L.B. 23-25-5 dated the 9th instant, directed that this individual be removed from membership both in the Kadur District Board and the Kadur Taluk Board, on a careful consideration of the opinion expressed by my predecessor that "it will not be in-keeping with the dignity of the District Board or the Representative Assembly, if it has as its member a person who is bound over to keep the peace by a competent Court of Law."

(Copy enclosed)

2. I therefore request that orders of Government may kindly be obtained early in the matter of his continuing as a member of the Dasara Representative Assembly.

I have the honour to be,

Sir,

Your mostobedient servant,

D. Srinivasa Iyengar

Deputy Commissioner,
Kadur District.

M.L.A.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

(2

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R e a d :-

Letter No. Camp. 23/25-26, dated 14th June 1926, from the President, District Board, Kadur, reporting that Mr. N. M. Sivalingappiah an elected member of the District Board returned by the Kadur Taluk Board was found guilty under Section 107, Criminal Procedure Code and was bound over for a sum of Rs 200/- with a surety for a like sum, for keeping the peace, for a period of six months, and enquiring whether under the circumstances, he may be considered in the opinion of Government to have ceased to be a member of the Boards concerned.

2. Correspondence ending with letter No. L.B. 77 dated 19th August 1926 From the Deputy Commissioner, Kadur, stating that it will not be in keeping with the dignity of the District Board or the Representative Assembly, if it has as its member, a person who is bound over to keep the peace by a competent Court of Law.

ORDER No. L. 1843/L.B. 23-25-5

Dated, Bangalore, the 5th September 1926.

On a careful consideration of the circumstances of the case, Government are pleased to order that Mr. N.M. Sivalingappiah be removed from membership both in the Kadur District Board and the Kadur Taluk Board.

Sd. B. Nagappa,

Secretary to Government,
Local and Legislative Departments.

" Copy "

Deputy Commissioner,
Kadur District.

M.L.A.

No. 231

SUBJECT .....

.....

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Diary No. of letter replied to.....

R. A.
L. C.
E. C.

( )

192

Date of issue

No

To The ~~Deputy Collr.~~
Madura ~~Dt.~~

Confidential

J.3.

File No.

Serial No.

Dear Sir,

With reference to your letter No. C. 1886 of 13.9.26 requesting orders of Govt. regarding the continuance ~~of~~ or otherwise of Mr. M. M. Sivalingappaiya as a member of the Repve. Asst. I am directed ~~to state~~ that as the rules do not provide for his disqualification on the grounds referred to by you, you may (kindly use) your influence to get him to resign his place on the R. A. voluntarily. The action taken by you and ~~the~~ its result ~~of~~ may be reported as early as

possible, before the opening of the R A. (4.

Yours Sincerely

RB
28/9

D. Srinivasa Iyengar, Esq BA
Dy-Conr. Kadur.

List of enclosures

Copied by

Examined by

D. no. 49 Rel.
R. A. 11—26-27

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d:-

Government Order No.L.1843/L.B.23-25-8 dated the 8th September 1926, directing that Mr. N.M. Sivalingappayya be removed from membership both on the Kadur District Board and the Kadur Taluk Board as it was reported that the gentleman, was ~~xxxxxxxxxxxxxxxx~~ found guilty under Section 107 Criminal Procedure Code and was bound over for a sum of Rs.200/- with a surety for a like sum for keeping the peace for a period of six months.

2. Petition dated the 30th September, 1926 from Mr. N.M. Sivalingappaiyya, stating that the order convicting him under Section 107 Criminal Procedure has been cancelled in revision by the Chief Court and requesting that the order removing him from membership on the District Board, Kadur and Taluk Board Kadur may therefore be cancelled so that he may continue to sit on the two Boards as before.

ORDER NO.L. 2379 / LB 23-25-10.

Dated, Bangalore, the 30/ September, 1926.

Under the circumstances represented, Government are pleased to cancel the order read above.

R8/6

For Secretary to Government,
Local and Legislative Departments.

439

To

The Deputy Commissioner, Kadur, with a request that Rs.2/- may be recovered from Mr. N.M. Sivalingappaiyya towards stamp fees due on the petiton presented by him to Government.

OFFICE OF THE SECRETARIAT
1 OCT 1926
REPRESENTATIVE ASSEMBLY, LEGISLATIVE COUNCIL & CONSULTATIVE COMMITTEE

K.H.R.3.

Copy to Representative Assembly Section for information.